

MEETING DATE: March 28, 2023

STAFF: Brian L. Harker, Planner

PROJECT NAME: Hoover Rezoning

CASE NUMBER/REQUEST: **Case 23-125-02 – Rezoning/PUD – 2710 S. Westport Road** – A request by Robert Hoover to rezone this property from R-6 (Single-Family Residential) to R-6/PUD (Single-Family Residential/Planned Unit Development) and approve a Preliminary Development Plan.

APPLICANT/OWNER: Robert Hoover

PROPERTY ADDRESS: 2710 S. Westport Road

SURROUNDING ZONING/LAND USE:

N/S/E/W: R-6 (Single Family Residential)...single-family residences

PUBLIC NOTICE:

- Letters to adjoining property owners – March 7, 2023
- Public Notice published in the Independence Examiner – March 11, 2023
- Signs posted on property – March 10, 2023

FURTHER ACTION:

Following action by the Planning Commission, this rezoning request is scheduled for first reading by the City Council on May 1, 2023 and the public hearing/second reading on May 15, 2023.

RECOMMENDATION

Staff recommends **APPROVAL** of this rezoning request with the following conditions be included with the Preliminary Development Plan consisting of the attached PUD Site Plan:

1. The number of dwelling units in the existing buildings is limited to the two existing single family units.

PROJECT DESCRIPTION & BACKGROUND INFORMATION

PROJECT DESCRIPTION: – A request by Robert Hoover to rezone this property from R-6 (Single-Family Residential) to R-6/PUD (Single-Family Residential/Planned Unit Development) and approve a Preliminary Development Plan.

Current Zoning:	R-6 (Single-Family Residential)	Proposed Zoning:	R-6/PUD (Single-Family Residential/Planned Unit Development)
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Current and Continued Use: Two single-family Residences

Residential Buildings:	1,370-square feet 1,170-square feet	Property Size:	0.07 acres
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Zoning History 1965 – 1980: R-1 (Single-Family Residential)
 1980 - 2009: R-1b (Single-Family Residential)
 2009 - Present: R-6 (Single-Family Residential)

PROPERTY HISTORY

Apparently prior to the property being zoned to R-1 (Single-Family Residential) in 1965, the property had two single family residences. The legal nonconforming use was maintained for many years, including where the current owner (Mr. Hoover) requested and received a Letter of Legal Nonconformity. Subsequent to then, a tenant occupied the unit without power for more than six-months, negating the legal nonconformity. Thus, the property may now contain only one single-family residence.

PROPOSAL

To occupy the rear residence requires a zoning designation allowing two residential structures; a use not allowed in R-12 (a duplex district) and only permitted in R-18/PUD and R-18/PUD (which are planned apartment districts). A R-6/PUD can be tailored to allow the property to have two single-family structures, but no multiple-family structures.

PHYSICAL CHARACTERISTICS OF PROPERTY

The property's depth is roughly twice its width. The principal house, at the front of the lot, sets approximately 80 feet off-of the right-of-way to the north of the existing asphalt driveway, which cuts across the length of the lot. The other house lies to the west of the front residence about 45 feet. Further west, two garages lie to either side of the driveway at the northwest and southwest corners of the property. Most of the southern portion of the property between the southwest garage and the roadway is a large expanse of lawn.

CHARACTERISTICS OF THE AREA

The house sets in a neighborhood largely constructed in the 1950's. The house located immediately to the north is a split-level with a two-car garage. Across the street is a large ranch with a side entry garage. A small white house lies to the south. All these surrounding residences set on large lots.

ANALYSIS

Consistency with *Independence for All*, Strategic Plan:

An objective of the Independence for All Strategic Plan is 'Build new housing units to fill a market need'. Although this application does not result in more housing units, it does request to preserve the second residence on the lot.

Comprehensive Plan Guiding Land Use Principles:

This site, along with all the properties in the vicinity, is designated for 'Residential Established Neighborhoods' by the City's Comprehensive Plan. Such areas will feature a variety of single-family detached homes, duplexes and multi-family dwellings.

Historic and Archeological Sites:

There are no apparent historic/archeological issues with this property.

Public Utilities:

Water, sanitary sewer, and electrical services are connected to this property.

CIP Investments:

There are no City or Missouri Department of Transportation (MoDOT) capital improvement projects (CIP) planned for this area.

Zoning:

As noted previously, this site has had single-family zoning since at least 1965. Permitted R-6 uses include single-family homes, churches, schools, home-based child-care centers, government buildings, parks, cemeteries, home gardens, and field crops. Being a Planned Unit Development (PUD) district, there will be flexibility in the number of residences allowed on this lots.

Parking and Driving Surface:

The existing legal nonconforming driveway is not being expanded.

REVIEW CRITERIA

Recommendations and decisions for proposed planned unit development rezoning and its accompanying preliminary development plan must be based on consideration of the criteria listed in Section 14-703-05-H:

1. **The consistency with the Comprehensive Plan.**
The City's Comprehensive Plan reflects this Residential Established Neighborhood use, and it will "Protect and enhance the viability, livability, and affordability of the City's residential neighborhoods..."
2. **The consistency with the PUD standards of Section 14-902, including the statement of purpose.**
This type of application is not expressly addressed in this section as its not new development, but it "ensures that development can be conveniently, efficiently and economically served by existing and planned utility services."
3. **The nature and extent of Common Open Space in the PUD.**
There is no open space provided with this application.
4. **The reliability of the proposals for maintenance and conservation of Common Open Space.**
There is no open space provided with this application, the applicant owns the entire property.
5. **The adequacy or inadequacy of the amount and function of Common Open Space in terms of the densities and dwelling types proposed in the plan.**
There is no open space provided with this application.
6. **The extent to which the proposed use will adversely affect the capacity of safety portions of the street network or present parking problems in the vicinity of the property. Whether adequate provision for public services, provides adequate control over vehicular traffic, and furthers the amenities of light and air, recreation, and visual enjoyment.**
This proposed project will not adversely affect traffic or the street network in the vicinity of the project. No change to the site layout will occur.
7. **The extent to which the proposed use will have a substantially adverse effect on adjacent property and the development or conservation of the neighborhood area.**

As this property has had two residences for many years, it's not expected this corrective rezoning will have any adverse impacts on the neighboring properties.

8. **Whether potential adverse impacts have been mitigated to the maximum practical extent.**

No significant impacts are expected with this application.

9. **Whether the Preliminary Development Plan represents such a unique development proposal that it could not have accomplished through use of (non-PUD) conventional zoning regulations.**

The existing situation with two single-family structures on one lot requires R-6/PUD zoning because R-12 zoning is for duplexes and R-18/PUD and R-30/PUD zoning permits multiple family structures.

10. **The sufficiency of the terms and conditions proposed to protect the interest of the public and the residents of the PUD in the case of a plan that proposes development over a period of years.**

This property will continue to be under the same ownership.

EXHIBITS

1. Applicant's letter
2. Application
3. Notification letter
4. Mailing list
5. Mailing affidavit
6. PUD Site Plan
7. Rezoning Map
8. Comprehensive Plan map
9. Zoning map